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limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Therefore, if the above-identified criteria are not met, then the cited references fail to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited references.

C. The Appellant's Position

Hailey et al. and Montagna et al. fail to disclose that the movement of a stylus is tracked, that a zoom center is moved according to the tracked movement of the stylus while repeatedly performing a zoom action on the image with the zoom center following the tracked movement of the stylus for at least the following reasons.

Claims 1, 6, 16, and 17 each includes that a zoom action, either enlargement or reduction, is performed on an image, with a center of the zoom action following the point where a stylus contacts a screen on which the image is displayed. These claims also include that the contact point of the stylus is tracked while the stylus is moved across the screen and that the center of the zoom action follows the movement of the stylus. In addition, these claims include that the zoom action is repeatedly performed until the stylus is detected to have been removed from contact with the screen. As such, Claims 1, 6, 16, and 17 recite that an image is repeatedly zoomed when a stylus is in contact with a screen and that the zoom action is performed repeatedly while the stylus is moved across the screen, with the center of zoom action following the stylus movement until the stylus is removed

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from contact with the screen, to thereby one of continuously enlarge or reduce the image as the stylus is moved across the screen.

In the Official Action dated November 25, 2005, the Examiner asserts that Hailey et al. discloses means for generating an image and means for carrying out a zoom action on the image. In addition, the Examiner asserts that Montagna et al. discloses zooming of an image when the user touches the screen. However, the Examiner fails to address a number of the features claimed in Claims 1, 6, 16, and 17 of the present invention. In fact, the Examiner fails to indicate which, if either, of Hailey et al. or Montagna et al., discloses that a center of zoom action follows the movement of a stylus and that the zoom action is performed repeatedly as the stylus is moved across a screen, until the stylus is removed from contact with the screen.

The assertions set forth in the Official Action dated November 25, 2005 with regard to the disclosures contained in Hailey et al. and Montagna et al. are insufficient to establish that Claims 1, 6, 16, and 17 are *prima facie* obvious. Instead, Hailey et al. pertains to a digital signal processing method for implementing a continuous zoom to a digital image. (column 5, line 47). In describing the digital signal processing method, Hailey et al. fails to disclose that the movement of a stylus is tracked and that a zoom action is repeatedly performed with the center of the zoom action following movement of the stylus. In fact, the Examiner admits that Hailey et al. fails to disclose a stylus and a touch sensitive screen. In this regard, the Examiner has apparently relied upon Hailey et al. solely for its disclosure of a so-called "dynamic zoom sequence".

As discussed on lines 14-18, page 3 of the Official Action dated November 25, 2005, the Examiner asserts that the "dynamic zoom sequence... is necessary to design a filter set so

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that the cut-off frequency of some or all of the filters within the set is spaced logarithmically in order to minimize perceptible changes in sharpness which may result from the use of a discrete filter set." The Examiner has thus proposed a reason for the desirability in having a dynamic zoom sequence in Hailey et al., but this reasoning does not provide any sort of basis for the desirability in modifying Hailey et al. to include all of the features of the claimed invention. The discussion beginning on line 21, page 3 and ending on line 11, page 4 of the Official Action dated November 25, 2005, also does not appear to provide any support for the allegation that Hailey et al. discloses the features of the claimed invention.

In an effort to make up for some of the deficiencies in Hailey et al., the Examiner relies upon Montagna et al. for its disclosure of a zoom action performed on an image in response to the screen on which the image is displayed being contacted. In setting forth this allegation, the Examiner asserts that the image is zoomed by a factor, such as, 1:5, which is somehow being interpreted as corresponding to "continuously enlarge". Ostensibly, the assumption here by the Examiner is that the process of going from a 1:1 ratio to a 1:5 ratio somehow includes a 1:2 ratio and a 1:4 ratio, which the Examiner asserts is similar to a continuous enlargement of the image.

Regardless of the interpretation, the Examiner never asserts, however, nor could Montagna et al. reasonably be interpreted to disclose or teach, that the zoom action is repeatedly performed with the center of the zoom action following movement of the stylus. In fact, the Examiner never explicitly asserts that either Hailey et al. or Montagna et al. discloses the tracking of a stylus movement, with a center of zoom action following the stylus movement while the zoom action is performed repeatedly which the stylus is in contact with the screen on which an image is displayed. This omission is further evident in the allegation

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on page 3, lines 17-21 of the Official Action dated November 25, 2005, which has been provided by the Examiner as evidence that the proposed combination yields the present invention. More particularly, the Examiner's assertion fails to indicate that the proposed combination discloses or teaches repeatedly performing a zoom action with the contact point of a stylus being the center of zoom action and moving the center of zoom action as the stylus is moved on the screen.

For at least the foregoing reasons, it is respectfully submitted that neither Hailey et al. nor Montagna et al. discloses that the movement of a stylus is tracked, that a zoom center is moved according to the tracked movement of the stylus while repeatedly performing a zoom action on the image with the zoom center following the tracked movement of the stylus to thereby continuously zoom the image as the stylus is moved across the screen with the center of the zoom action following the movement of the stylus. Therefore, even assuming for the sake of argument that one of ordinary skill in the art would somehow have been motivated to combine the disclosures of Hailey et al. and Montagna et al., as asserted by the Examiner, the proposed combination would still fail to disclose all of the features claimed in Claims 1, 6, 16, and 17 of the present invention.

Accordingly, it is respectfully submitted that the Official Action has failed to establish that Claims 1, 6, 16, and 17 are *prima facie* obvious in view of the disclosures contained in Hailey et al. and Montagna et al., whether these documents are considered singly or in combination.

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V. CONCLUSION

For at least the reasons set forth above, it is respectfully submitted that the rejection of Claims 1-3, 5-8, 10, 16, and 17 is improper. The Appellant therefore respectfully requests that the Board of Patent Appeals and Interferences reverse the Examiner's decision rejecting Claims 1-3, 5-8, 10, 16, and 17 and to direct the Examiner to pass the case to issue.

Respectfully submitted,

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CLAIMS APPENDIX**The Appealed Claims:**

1. A system for manipulating an image on a screen, said system comprising:
 - a touch-sensitive screen for displaying said image;
 - a stylus for indicating an image point of said image displayed on said screen by touching said screen; and
 - means for generating said image on said screen, said means for generating including a dynamic zoom means for carrying out a zoom action on said image on said screen;
 - wherein said zoom means detects the image point indicated by said stylus on said screen while the stylus is moved across said screen, and repeatedly performs a zoom action on said image on said screen using said detected image point as the center of said zoom action until said stylus is removed from said screen to thereby one of continuously enlarge and reduce the image as the stylus is moved across the screen with the center of the zoom action following the movement of the stylus.
2. The system of claim 1, wherein said zoom action comprises an enlargement of said image on said screen about said image point.
3. The system of claim 1, wherein said zoom action comprises a reduction of said image on said screen about said image point.

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5. The system of claim 1, wherein said image is the graphical form of a mathematical object wherein a mathematical object comprises at least one of a mathematical function or a mathematical relation having a symbolic formula, and wherein said means for generating includes means for generating said graphical form of said mathematical object.

6. A method of manipulating an image on a touch-sensitive screen using a stylus, said method comprising the steps of:

displaying said image on said screen;

detecting an instruction to perform a zoom action on said image;

detecting a point of contact of said stylus on said screen as said stylus is moved across said screen;

setting a center of said zoom action at said detected point of contact of said stylus on as said stylus is moved across said screen; and

performing said zoom action on said image on said screen using said set center of zoom; and

repeating said step of performing said zoom action until it is detected that said stylus has been removed from contact with said screen thereby one of continuously enlarging and reducing the image as the stylus is moved across the screen with the center of the zoom action following the movement of the stylus.

7. The method of claim 6, wherein said zoom action is an enlargement of said image on said screen.

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8. The method of claim 6, wherein said zoom action is a reduction of said image on said screen.

10. The method of claim 6, wherein said image is the graphical form of a mathematical object wherein a mathematical object comprises at least one of a mathematical function or a mathematical relation having a symbolic formula, and wherein said step of displaying an image on said screen includes the step of generating said graphical form of said mathematical object.

16. A system for manipulating an image on a screen, said system comprising:

a touch-sensitive screen for displaying said image;

a stylus for indicating an image a point on said screen by touching said screen; and

means for generating said image on said screen, said means for generating including a zoom means for carrying out a zoom action on said image on said screen;

wherein said zoom means detects the image point indicated by said stylus on said screen, and repeatedly performs a zoom action on said image on said screen using said detected image point as the center of said zoom action;

said zoom means continually monitors the position of said stylus on said screen; and wherein, on movement of said stylus across said screen, said zoom means alters the center of said zoom action so that the center of said zoom action follows the movement of said stylus to thereby one of continuously enlarge and reduce the image as the stylus is moved across the screen with the center of the zoom action following the movement of the stylus.

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17. A method of manipulating an image on a touch-sensitive screen using a stylus, said method comprising the steps of:

displaying said image on said screen;

detecting an instruction to perform a zoom action on said image;

detecting a point of contact of said stylus on said screen;

setting a center of said zoom action at said detected point of contact of said stylus on said screen;

performing said zoom action on said image on said screen using said set center of zoom;

moving the stylus across said screen while maintaining contact between the stylus and the screen, thereby changing the position of the point of contact on the screen;

moving said center of said zoom action in accordance with the movement of said stylus across said screen thereby one of continuously enlarging and reducing the image as the stylus is moved across the screen with the center of the zoom action following the movement of the stylus.

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EVIDENCE APPENDIX

None.

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RELATED PROCEEDINGS APPENDIX

None.